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PAPERS LAID ON THE TABLE

Report and Accounts (1984-85) of the Wool and Woolens Export Promotion Council, New Delhi and related papers

THE MINISTER OF STATE OF THE MINISTRY OF TEXTILES (SHRI KHURSHID ALAM KHAN): Sir, I beg to lay on the Table a copy each (in English and Hindi) of the following papers:—

(i) Twentieth Annual Report and Accounts of the Wool and Woollens Export Promotion Council, New Delhi, for the year 1984-85, together with the Auditors' Report on the Accounts.

(ii) Review by Government on the working of the Council.

(iii) Statement giving reasons for the delay in laying the papers mentioned at (i) above.

[Placed in Library. See No. LT-2070/86 for (i) to (iii)]

Report and Accounts (1984-85) of the Indian Statistical Institute, Calcutta and related papers

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI AJIT PANJA): Sir, I beg to lay on the Table a copy each (in English and Hindi) of the following papers:—

(i) Fifty-third Annual Report and accounts of the Indian Statistical Institute, Calcutta, for the year 1984-85, together with the Auditors' Report on the Accounts.

(ii) Review by Government on the working of the Institute.

(iii) Statement giving reasons for the delay in laying the paper, mentioned at (i) above.

[Placed in Library, See No. LT-1998/86 for (i) to (iii)].

The Citizenship (Amendment) Rules, 1986

THE MINISTER OF STATE IN THE DEPARTMENT OF INTERNAL SECURITY (SHRI ARUN NEHRU): Sir, I beg to lay on the Table, under sub-section (4) of section 18 of the Citizenship Act, 1955, a copy (in English and Hindi) of the Ministry of Home Affairs Notification G.S.R. No. 25(E), dated the 15th January, 1986, publishing the Citizenship (Amendment) Rules, 1986. [Placed in Library. *See* No. LT-1999/86].

RE. GRANT OF EXEMPTION FROM CENTRAL AND EXCISE DUTIES BEFORE BUDGET

MR. CHAIRMAN: Before Mr. Poojari lays the papers on the Table, I give the floor to Mr. Advani. He has to raise an objection. Please hear his objection.

SHRI LAL K. ADVANI (Madhya Pradesh): Sir, the day before yesterday a sheaf of 42 papers was laid on the Table of the House by the Minister of State for Finance. At that point of time or slightly later I had pointed out that this is a matter in which the Chair should intervene. Today is the 27th of February, and tomorrow is the 28th of February, the day of the Budget. And I notice that today again Shri Janardhan Poojari is going to lay on the Table of the House papers at item No. 4 IV on page 33—

"A copy (in English and Hindi) of the Ministry of Finance (Department of Revenue) Notification G.S.R. No. 96(E), dated the 7th February, 1986, exempting bona-fide commercial samples and prototypes of goods, when imported into India by manufacturers of export goods, from the whole of the basic and additional duties of Customs leviable thereon, subject to the conditions specified therein, under section 159 of the Customs Act, 1962, together with an Explanatory Memorandum on the Notification."

And subsequently—

> "A copy (in English and Hindi) of the Ministry of Finance (Department of Revenue) Notification G.S.R. No. 310(E), dated the 20th February, 1986, (on the date on which Parliament started sitting) amending Notification No. 42/86-Central Excise, dated the 10th February, 1986, so as to continue the existing exemption for tyres, tubes and flaps, used as original equipment in motor vehicles, together with an Explanatory Memorandum thereon."

Sir, frankly I have had no opportunity of going into the details of this memoranda. Maybe, like the other memoranda relating to exemption of excise, it relates only to Maruti. I do not know. But I object and I protest against this practice of taking executive decisions which have financial implications just before the budget and thus making the whole budgetary process a meaningless ritual, a farce. After all, these could legitimatey form part of the budgetary proposals. Why do it on the 20th of February and come to the House with the notification with regard to the same on the 27th of February?

I remember, in the year 1982, when 15 or 20 days before the House was to meet, certain changes had been made in the postal rates etc. When objections were raised in this House, the then Chairman of the House said, "It is not proper." After all, the Budget is to be presented. So, the Government should have come to parliament in the course of the Budget. It should have included them in the budgetary proposals. Even if it is part of the normal routine on which the Government has the authority to take decision under the Customs Act, it should not be done just a few days before the Budget.

This is a point that I keep on stressing again and again, I think that this is a matter in which the Chairman, as the custodian of the rights of Parliament, should intervene and at least admonish the Government, tell them that this is not a right thing.

SHRI DIPEN GHOSH (West Bengal): Sir, the day before yesterday when Mr. Advani and myself had raised this issue, it is on record that you assured us that you would look into the matter.

MR. CHAIRMAN: I am looking into it.

SHRI DIPEN GHOSH: Tomorrow the General Budget will be placed. On the eve of the General Budget this notification is again being laid. When will you be looking into it? At least the Government should be pulled up and admonished.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Sir, it is a serious matter.

MR. CHAIRMAN: I am giving you a chance.

SHRI M. S. GURUPADASWAMY (Karnataka): Far more serious is the method adopted by the Executive in issuing Notifications on such vital matters on the eve of the Parliament Session. It raises a very fundamental issue about the Parliamentary privileges. Its rights are being indirectly questioned by the Executive authority by adopting such methods. The Executive has already got vast powers, but through fiat they cannot destroy the sanctity of the Budget itself.

Secondly and more importantly they cannot take away the rights of Parliament, which is supreme on such occasions. I know very well that under the authority of the delegated legislation the Executive acts, but this is going beyond that. It is really taking away the powers of Parliament and Parliament is being reduced into a farce and into a mockery.

SHRI PARVATHANENI UPENDRA: This is one more instance where scant respect is being shown to Parliament. I would request you to take a very

[Shri Parvathaneni Upendra]

serious view and give your ruling and admonish the Government for repeatedly placing such papers. I would request you to take a serious view of this.

THE MINISTER OF FINANCE (SHRI VISHWANATH PRATAP SINGH): We do not want any disrespect of the Parliament, but it is making a mountain out of a molehill. Kindly read Notification No. 5. It is just for continuation of existing exemptions. Now, if it is expiring on a particular date, do we impose the duty for three days, levy it, and then come to the House and then get exemption?

SHRI PARVATHANENI UPENDRA: When was it expiring?

SHRI VISHWANATH PRATAP SINGH: It was expiring on 10th February. The Notification was to continue the existing exemption. There is nothing new or fresh. The exemption was already there and it is only for continuance thereof and there is no variation.

And the Notification No. 4, out of which such a big noise is being made, is only on samples. No revenue implication on samples can be possible on the Budget. The others are the normal actions which do not have revenue implication and it is only for information that we are coming to the Parliament. I think it is only intended to project to the people as if something basically wrong is happening. (*Interruptions*).

MR. CHAIRMAN: So far as the legality is concerned, all of you concede that the Government has the power to do it. The only question raised is that of propriety. And when you have to examine the propriety you have to examine what the Notification contains. If the Hon. Minister says it is only for continuation of the exemption, it need not be questioned. But if there is any change i.e. reduction, increase or anything...

SHRI PARVATHANENI UPENDRA: How do we know that?

SHRI LAL K. ADVANI: Yesterday I pointed out the changes also.

MR. CHAIRMAN: On the propriety of any Notification which makes a change, either increase or decrease, I will give a ruling.

SHRI VISHWANATH PRATAP SINGH: May I submit that Notification of 7th February is on prototype and sample. How much revenue implications do we have, this is a question of .... (*Interruptions*) Notification No. 5 is just on continuation of existing exemptions. Just read it properly.

SHRI DIPEN GHOSH: I have read it. You have issued it on 10th of February and that too on the eve of the Parliament Session. It is our contention that it is an affront to Parliament.

SHRI VISHWANATH PRATAP SINGH: No, it is continuation of exemptions. (*Interruptions*)

MR. CHAIRMAN: I am on my legs. All of you must hear me first.

I have already said that I will examine the propriety. If it is a mere continuation of the existing things, then there is no impropriety involved. Only if there is any change, then I will look into it and say what are the...

SHRI M. S. GURUPADASWAMY: Please take into your consideration the Notifications laid on the Table yesterday also.

SHRI JAGESH DESAI (Maharashtra): Sir, I have got a small submission to make.

MR. CHAIRMAN: No, please sit down. Nothing will be recorded.

SHRI NIRMAL CHATTERJEE (West Bengal): Sir, I have got a small submission to make. Please allow me.

MR. CHAIRMAN: I have given my ruling. Nothing will be recorded.

Now Papers to be laid on the Table.

PAPERS LAID ON THE TABLE —Contd.

I. Report and Accounts (1984-85) of the Indian Investment Centre, New Delhi and related papers.

II. Notifications of the Ministry of Finance (Department of Economic Affairs)

III. Notifications of the Ministry of Finance (Department of Revenue)

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHAN POOJARI): Sir, I beg to lay on the Table—

I. A copy each (in English and Hindi) of the following papers:—

(i) Twenty-fifth Annual Report and Accounts of the Indian Investment Centre, New Delhi, for the year, 1984-85, together with the Auditors' Report on the Accounts.

(ii) Review by Government on the working of the Centre. [Placed in Library. See No. LT-2079/86 for (i) and (ii)].

II. (i) A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Economic Affairs) under sub-section(3) of section 12 of the Government Savings Certificates Act, 1959:—

(a) G.S.R. No. 85(E), dated the 3rd February, 1986, publishing the National Savings Certificates (VII issue) (Amendment) Rules, 1986.

(b) G.S.R. No. 195(E), dated the 12th February, 1986, publishing the National Savings Certificates (VI issue) (Amendment) Rules, 1986.

(c) G.S.R. No. 196(E), dated the 12th February, 1986, publishing the National Savings Certificates (VII issue) (Second Amendment) Rules, 1986. [Placed in Library. *See* No. LT-2074/86 for (a) to (c)]

(ii) A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Economic Affairs) under sub-section (3) of section 15 of the Government Savings Bank Act, 1873:—

(a) G.S.R. No. 95(E), dated the 7th February, 1986, publishing the Post Office Recurring Deposit (Amendment) Rules, 1986.

(b) G.S.R. No. 193(E), dated the 12th February, 1986, publishing the Post Office Time Deposit (Amendment) Rules, 1986.

(c) G.S.R. No. 194(E), dated the 12th February, 1986, publishing the Post Office Recurring Deposit (Second) Amendment Rules, 1986.

(d) G.S.R. No. 202(E), dated the 14th February, 1986, publishing the Post Office Cumulative Time Deposit (Amendment) Rules, 1986. [Placed in Library. *See* No. LT-2075/86 for (a) to (d)]

III. (i) A copy (in English and Hindi) of the Ministry of Finance (Department of Reveune) Notification G.S.R. No. 96(E), dated the 7th February, 1986, exempting bonafide commercial samples and prototypes of goods, when imported into India by manufacturers of export goods, from the whole of the basic and additional duties of Customs leviable thereon, subject to the conditions specified therein, under section 159 of the Customs Act, 1962, together with an Explanatory Memorandum on the Notification. [Placed in Library. *See* No. LT-2077/86]

(ii) A copy (in English and Hindi) of the Ministry of Finance, (Department of Revenue) Notification G.S.R. No. 310(E), dated the 20th February,